

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of	)	
	)	DOCKET NO. 20080
[REDACTED],	)	
	)	DECISION
Petitioner.	)	
_____	)	

On January 26, 2007, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination (NODD) to [Redacted] proposing income tax, penalty, and interest for taxable years 2001 through 2005 in the total amount of \$43,208.

The petitioner filed a timely appeal. She did not request a hearing. The Tax Commission has reviewed the file and hereby issues its decision based upon the information contained in the file.

Tax Commission records showed the petitioner met the Idaho income tax filing requirements. Because she had not filed Idaho returns for the years at issue, the Bureau contacted her for clarification. The petitioner did not respond.

[Redacted] Idaho Code § 63-3045 (1)(a) states:

**63-3045. Notice of redetermination or deficiency -- Interest.** (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

Determining the petitioner had a requirement to file Idaho individual income tax returns, the

Bureau computed the petitioner's Idaho tax responsibility on her behalf and sent her a NODD. An accountant protested the determination on behalf of the petitioner. He said in the letter that he was working on the income tax returns for petitioner and her husband. He said an executed Power of Attorney form would be mailed to the Tax Commission. However, to date, the Tax Commission has not received the form.

The Bureau sent the petitioner a letter to acknowledge her protest and to advise her of the need to file Idaho individual income tax returns for the years 2001 through 2005 in order to change the information shown in the NODD. She was allowed additional time.

The petitioner's file was transferred to the Legal/Tax Policy Division of the Tax Commission. She was sent a letter advising her of her right to request an informal conference or to submit additional information. She did not respond.

The petitioner has not filed her 2001 through 2005 Idaho income tax returns and has submitted nothing that would cast doubt on the Bureau's determination that was based on records retained by the [Redacted] State Tax Commission. The filing status of married filing separate was used because, by not filing state or federal income tax returns, the petitioner did not make the election to file joint returns. One-half of the community income was used to determine the tax amount. One-half of the community withholding reduced the amount of tax.

The interest and penalty calculated pursuant to Idaho Code §§ 63-3045 and 63-3046 were reviewed and found to be proper and in accordance with Idaho Code.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having presented no information in support of her argument, the petitioner has failed to meet her

burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated January 26, 2007, is APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the petitioner pays the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2001	\$ 4,220	\$1,055	\$1,428	\$ 6,703
2002	19,747	4,937	5,413	30,097
2003	2,472	618	547	3,637
2004	1,925	481	310	2,716
2005	906	227	92	1,225
			TOTAL	<u>\$44,378</u>

Interest is computed through November 1, 2007.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of petitioner's right to appeal this decision is enclosed with this decision.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2007.

IDAHO STATE TAX COMMISSION

\_\_\_\_\_  
COMMISSIONER

#### CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this \_\_\_\_ day of \_\_\_\_\_, 2007, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]

Receipt No.  
  
\_\_\_\_\_

